IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 17TH APRIL 2007 / 27TH CHAITHRA 1929

Bail Appl..No. 2120 of 2007(K)

PETITIONER/ACCUSED

KOOLERI RAJAN,
S/O KUNHAMBU, KARANTHAD, RAMANTHALI AMSOM DESOM,
PAYYANNUR, TALIPARAMBA TALUK.

BY ADV. SRI.O.V.MANIPRASAD

RESPONDENT: COMPLAINANT

THE STATE OF KERALA,
(THE EXCISE INSPECTOR, PAYYANNUR EXCISE RANGE,
12/2007) REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.FIROZKHAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

B.A. NO. 2120 OF 2007

Dated this the 17th day of April, 2007

O R D E R

This is an application for bail under Section 439 of the Code of Criminal Procedure.

2. The petitioner is the accused in C.R. No.12 of 2007 of Excise Range, Payyanur. The offence alleged against him is under Section 8(i) and 8(ii) of the Abkari Act.

3. The petitioner moved applications for bail before the Court of Sessions, Thalassery, but the same were dismissed by the orders dated 16.3.2007 and 27.3.2007.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor. It is submitted by the learned counsel for the petitioner that the petitioner is undergoing detention from 9.3.2007 onwards. The prosecution case is that the petitioner

was found in possession of six litres of arrack. Though it is alleged that the petitioner is involved in other cases, there is no case that he has been punished. The petitioner undertakes that he will not indulge in similar activities as alleged and that he is prepared to abide by any of the conditions that may be imposed.

In the facts and circumstances of the case, I am inclined to grant bail to the petitioner. The petitioner shall be released on bail on condition that he executes a bond for Rs.25,000/- with two solvent sureties each for the like amount to the satisfaction of the Judicial Magistrate of the First Class, Payyanur and also on condition that the petitioner shall appear before the investigating officer on every Wednesday between 10 a.m and 12 noon until final report is filed.

(K.T.SANKARAN)
Judge

ahz/